

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF ALASKA

UNITED STATES OF AMERICA,)
)
 Plaintiff,)
)
 vs.) CASE NO. 3:19-cr-00003-RRB-MMS
)
TRISTAN JAMAL GRANT,)
)
 Defendant.)
_____)

TRANSCRIPT OF REMOTE PROCEEDINGS
HEARING ON MOTION FOR PROTECTIVE ORDER
BEFORE THE HONORABLE MATTHEW M. SCOBLE, MAGISTRATE JUDGE
May 15, 2020; 11:37 a.m.
Anchorage, Alaska

FOR THE GOVERNMENT:

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Proceedings Recorded by Digital Recording
Transcript Produced by Computer

1 (Call to Order of the Court)

2 DEPUTY CLERK: We're on record in Case
3 Number 3:19-Criminal-3-RRB-MMS, United States of America versus
4 Tristan Grant. Counsel, please state your appearance for the
5 record.

6 MR. REARDON: Good morning, Your Honor, this is Kyle
7 Reardon with the U.S. Attorney's Office.

8 MR. WELLS: This is Steve Wells, representing
9 Mr. Grant.

10 THE COURT: Good morning, Counsel, and good morning
11 to you, Mr. Grant.

12 THE DEFENDANT: How you doing?

13 THE COURT: Mr. Grant, can you hear me okay?

14 THE DEFENDANT: Yes, sir.

15 THE COURT: Okay; all right. First things first.
16 You may have the right to be physically present in court for a
17 hearing such as the one we're conducting today. Due to the
18 ongoing COVID-19 pandemic, we are not conducting any in-person
19 hearings in the District of Alaska.

20 Knowing that you may have the right to be physically
21 present, are you willing to waive that right and proceed via
22 video as we're doing here today?

23 THE DEFENDANT: Yes.

24 THE COURT: Okay; all right. I'll find that the
25 defendant has voluntarily and intelligently agreed to waive his

1 physical presence. The Court will accept that waiver based on
2 a compelling need to protect health and human safety during the
3 COVID-19 pandemic.

4 A video hearing is being conducted as a necessary
5 alternative under the circumstances, and conducting this
6 hearing by video will not affect the Court's judgment in any
7 way, and thus, it will not prejudice the defendant.

8 All right. So we are on today for a hearing on this
9 motion for protective order. I want to make sure I understand,
10 because as I look at the Government's motion and the defense --
11 the defense's opposition, I actually don't know where the
12 disagreement is. The Government's protective order seems to --
13 as I read it, says that any discovery that is provided to
14 Mr. Grant, in terms of him being able to actually possess a
15 copy of it, that contains PII must be redacted, but it's
16 explicit, the Government's motion is explicit, and I'm looking
17 at Page 5, towards the middle. It says, "The defense team may
18 review the above described discovery," referring to PII, "with
19 defendant Tristan Grant, a/k/a Goo, but the defendant may not
20 be given copies of any discovery that has not been redacted."

21 So as I read that -- and Mr. Reardon, correct me if
22 I'm wrong -- as I read that, Mr. Grant's attorney, a paralegal,
23 an expert, could meet with him and review any discovery, to
24 include showing him that discovery. They just couldn't leave
25 discovery, unredacted discovery containing PII, with him. Am I

1 reading the Government's protective order correctly?

2 MR. REARDON: That is -- that is the intent of the
3 protective order. Mr. Wells and I spoke yesterday, and I think
4 he may be able to provide a little bit more information, but
5 that is a -- that, certainly, if it has PII or has contraband,
6 it can be reviewed but not left. If it does not have any of
7 that information, it could be left. But I think the Court is
8 reading the -- the motion and the proposed order consistent
9 with the way the Government meant it to be interpreted.

10 THE COURT: Okay, very good. All right. Mr. Wells,
11 tell me what's wrong with the Government's protective order.

12 MR. WELLS: Judge, as I put in my motion, I don't
13 have any issue as we continue with the current proceedings,
14 which means if there's any PII, a person goes down and reviews
15 that. This motion was a little bit -- was a little bit
16 different, though, in that -- particularly if one looks at the
17 order, it's kind of -- kind of not clear. I think there's some
18 internal inconsistencies between some of the things in the
19 motion, and then, also, the order, because it discusses, for
20 example, the name of the relationship of any individual that
21 could be used, or things like that, which is bound to -- which
22 I think is bound to come up if we review discovery. I've got
23 no problems if we continue the current issue, which is anything
24 that's left with Mr. Grant, we either -- we redact, and if we
25 don't redact, then we don't leave it with him, and we can sit

1 down and review it. I've got no problems with that. I just --
2 the way I read the particular motion and the way I read the
3 order for that motion, I thought they don't -- I think that the
4 order might grant a little bit more than what the Government
5 seeks, and so I want to make sure that we're all on the same
6 page because I don't want there to be any issues and have that
7 come up later.

8 THE COURT: All right. I'm just looking at the
9 order.

10 (Pause)

11 All right. So Paragraph 2 of the order, the last
12 sentence says, "Defendant may review these materials with
13 counsel, but may not have in their possession."

14 I think it should maybe read, "In his possession
15 copies of such discovery." Doesn't that -- doesn't that serve
16 your purposes, Mr. Wells?

17 I don't know if we've lost Mr. Wells or if everybody
18 else has lost me.

19 MR. WELLS: Oh, I'm sorry.

20 THE COURT: All right. So Mr. Wells, does that
21 sentence in Paragraph 2 of the order not take care of the
22 problem?

23 MR. WELLS: For Paragraph 2, but it doesn't apply to
24 Paragraph 1. As long as we all agree it applies to
25 Paragraph 1, then I don't have an opposition to the

1 Government's motion.

2 THE COURT: Mr. Reardon, I mean, I read -- maybe I --
3 maybe I was too broad in my reading, but I read -- I read the
4 Paragraph 2 as applying to all records dealing with PII, which
5 is what the Paragraph 1 addresses. Is it the Government's
6 intent that, as set forth in the proposed order, that any
7 records containing PII -- and, you know, what constitutes PII
8 is enumerated in Paragraph 1 -- that that would fall under the,
9 shall we say, penumbra of records that could be reviewed with
10 Mr. Grant but simply he could not possess copies of them? Is
11 that the Government's intention of that in this order?

12 MR. REARDON: That is the Government's intention,
13 Your Honor.

14 THE COURT: Okay; all right. So with that
15 explanation on the record, Mr. Wells, any -- any continued
16 objection to this protective order?

17 MR. WELLS: No, Your Honor.

18 THE COURT: All right; all right. Then I will grant
19 the order and I'll -- I'll have this signed protective order
20 docketed probably by end of day today.

21 MR. WELLS: Okay. And I'll tell Mr. Grant what I've
22 told him repeatedly, which is when the jail starts letting
23 people come in, I'll be down there as soon as I can.

24 THE COURT: All right. Anything else we can do
25 today, from the Government?

1 MR. REARDON: No, Your Honor. Thank you.

2 THE COURT: From the defense?

3 MR. WELLS: No, Your Honor.

4 THE COURT: Mr. Grant, any questions, comments, or
5 concerns?

6 THE DEFENDANT: No, other than basically I can't see
7 my discovery now until my lawyer brings it down to see -- for
8 me to see it.

9 THE COURT: Your lawyer, or another member of the
10 defense team, so a paralegal or somebody that works for him,
11 that's right. Unfortunately, that's -- just given the
12 pandemic, that's what everybody's grappling with right now.

13 THE DEFENDANT: Yeah, but they -- I'm saying they
14 gave it to me before, and now they putting in a protective
15 order a year and some change later. I don't -- it -- I'm just
16 trying to go to trial. This seems like every time, it's
17 something for -- that stalls me from going to trial or -- or
18 pops up. I already know everybody that is in my -- in my case
19 or what's going on my case. I just -- I don't understand this,
20 man.

21 THE COURT: I appreciate your frustration, sir. If
22 there's -- if you want to talk to your lawyer about speedy
23 trial motions or bail motions or anything like that, then
24 that's the route to go down. Okay?

25 THE DEFENDANT: All right.

1 THE COURT: Thank you all very much. We're in
2 recess.

3 DEPUTY CLERK: This matter is adjourned. This court
4 now stands in recess until 12:30.

5 (Proceedings concluded at 11:46 a.m.)
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8 CERTIFICATE

9 I, R. Joy Stancel, Federal Official Realtime Court
10 Reporter in and for the United States District Court for the
11 District of Alaska, do hereby certify that the foregoing
12 transcript is a true and accurate transcript from the digital
13 record in the above-entitled matter and that the transcript
14 page format is in conformance with the regulations of the
15 Judicial Conference of the United States.

16 Dated this 28th day of March, 2021.
17

/s/ R. Joy Stancel

18 _____
19 R. JOY STANCEL, RMR-CRR
20 FEDERAL OFFICIAL COURT REPORTER
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